



March 1, 2023

Senate Committee on Education, Energy, and the Environment

RE: Support for SB 495 – An Act Concerning Research Facilities and Testing Facilities That Use Animals - Licensing and Regulation

Dear Committee members,

On behalf of Cruelty Free International, a leading organization working to promote the use of modern non-animal testing methods around the world, I write in support of SB 495.

This bill will help ensure that animals are not used in outdated unnecessary tests when valid non-animal methods are available for ensuring the safety of cosmetics, household products, medicines, vaccines, and pesticides. The bill also prohibits certain particularly cruel and problematic practices such as devocalization and the acquisition of dogs and cats from shelters for laboratory use. Crucially, SB 495 will provide state accountability for the use of animal used in research and testing by requiring all facilities using animals in research and testing to get a license and annually report the number of animals used, the number of dogs and cats adopted into homes after their time in research has ended, and for product testing facilities to provide data on their use of animal methods and non-animal alternatives. Finally, the bill creates a State Inspector position and inspection requirement for USDA registered facilities to ensure proper care at research facilities and this position is paid for through new licensing fees provided in the bill.

Mandating alternatives

Historically, animals have been used in painful tests to assess the safety of many products and medicines used by people. However, in the past 35 years, due to innovations in science, animal tests are increasingly being replaced with non-animal approaches. Modern alternatives are required to go through a rigorous process to demonstrate that they are as or more effective than the animal tests they replace. SB 495 requires the use of alternatives that have been approved for use by regulatory agencies or validated for use by bodies such as the U.S. Inter-Agency Coordinating Committee for the Validation of Alternative Methods (ICCVAM), or the Organization for Economic Co-operation and Development (OECD) which publishes international test guidelines relevant for safety testing of chemicals.

It may be commonly assumed that once a non-animal alternative test is available the animal tests no longer occur, or at least rarely. The reality is that such animal tests can persist and even increase long after the adoption of suitable alternative methods. For example, Cruelty Free International has created a list of 10 regulatory animal test that are still conducted in the US despite having valid non animal replacements. This list includes the rabbit pyrogen, skin and eye irritation and skin sensitization tests as well as antibody production and various batch safety tests. Such animal tests are long overdue for replacement. SB 495 will identify and what, if any, outdated tests are still being used in Maryland and help to complete the replacement process once and for all, for both scientific and ethical reasons.

Post research placement of dogs and cats.

In the past ten years laws governing post-research placement for dogs (and sometimes cats) have been passed by fifteen US states and federal legislation has been introduced on this issue. However, information on law compliance and the number of animals released for adoption in these states is lacking. Cruelty Free International conducted a review of state laboratory laws and concluded that without specific reporting requirements and publicly available information about research facilities, their adoption policies and availability of adoptable animals, it could be difficult if not impossible, to enforce such laws or to measure their life-saving impact. SB 496 would address this issue by requiring that laboratories in the state report the number of dogs and cats adopted into homes after their time in research has ended.

State Accountability

According to our analysis the most recent data available from the USDA (2021 statistics) Maryland used 42, 850 animals in laboratories in 2021 including 25 cats, 378 dogs, 3,705 rabbits and 8, 657 monkeys. The total number of animals used in testing in Maryland is likely significantly higher than reported by the USDA, because many animals used in research [rats, mice, birds, reptiles and farmed animals used under certain circumstances] are not regulated under the Animal Welfare Act (AWA) and are therefore not counted or afforded the minimal protections provided by the AWA.

Adequate enforcement of the AWA by the USDA is of considerable concern. A recent article in National Geographic exposed a long history of weak enforcement and a shocking lack of consequences faced by laboratories for even the most serious animal welfare violations under the Act.¹ The article pointed out that even laboratories that receive millions of taxpayer dollars for research, and those with billions in revenues, face penalties so small that the facilities likely consider them merely a cost of doing business. Weak enforcement of the AWA runs counter to long-standing public concern for animals used in laboratories. Indeed, the original AWA was passed in 1966 following massive public outcry over the use of animals in laboratories.

It has become clear that individual states must play a greater role in overseeing activities involving the use of animals in research and testing to meet public expectation for the protection and reduction of animals used in research and testing. SB 495 will help achieve this.

Again, I urge your support.

Sincerely



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¹ <https://www.nationalgeographic.com/animals/article/toothless-and-paltry-critics-slam-usda-fines-for-animal-welfare-violations>